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Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

AMIN ULLAH,

Petitioner,

v.

05-CV-1237-ESH

**DECLARATION OF BRYAN E.
LESSLEY**

GEORGE W. BUSH, et al.,

Respondents.

Bryan E. Lessley, first being duly sworn, deposes and says:

1. I am one of the counsel of record for the petitioners in *Chaman v. Bush, et al.*, No. 05-CV-887-RWR, and *Amin Ullah v. Bush, et al.*, No. 05-CV-1237-ESH (D.D.C.). I am an Assistant Federal Public Defender in the office of the Federal Public Defender for the District of Oregon. I make this declaration in support of the Petitioners' Response To Motion For Procedures Related To Review Of Certain Detainee Materials submitted on behalf of each of the petitioners represented by the Federal Public Defender for the District of Oregon and each of his Assistants in cases arising from the confinement of detainees at Guantanamo Bay.

2. Attached hereto are copies of four pages from the unclassified factual return filed by the Respondents in *Chaman v. Bush*, one of the cases mentioned in the preceding paragraph in which I appear as counsel. My office obtained these documents from the public files of the United States District Court for the District of Columbia after being appointed in that case, via the PACER system. Court records reflect that the factual return, containing these pages, was filed by the Respondents as part of Docket Item 8-2 on July 15, 2005. My office was appointed to represent petitioner Chaman pursuant to an Order dated October 14, 2005. To my understanding, because petitioner Chaman was unrepresented at the time the factual return was filed with the Court, an unclassified copy was supposed to have been served on petitioner Chaman at his place of confinement at Guantanamo Bay.

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This means that the four pages attached hereto should be located within his legal papers that the government seized between June 14 and July 18.

3. The first page of the four attached pages includes the notation “SECRET” appearing at the bottom which has been lined through by hand. Because, to my knowledge, this lining through of the word “SECRET” was necessarily done by officials or employees of the government before the document was filed with the court, this means that this document, including the handwritten lining through of the word “SECRET,” was provided to petitioner Chaman in his cell at Guantanamo by the Respondents and that he possesses it legitimately.

4. The second attached page has the phrase “FOR OFFICIAL USE ONLY” appearing at the bottom, also lined though by handwriting. For the same reasons as above, this document, in this same condition, should legitimately exist within petitioner Chaman’s legal papers at Guantanamo, having been provided to him by the Respondents.

5. The last two attached pages contain the word “Unclassified” handwritten at the top and bottom. For the same reasons as above, this document, in this same condition,

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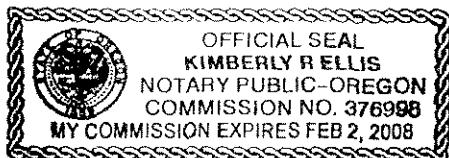
should legitimately exist within petitioner Chaman's legal papers at Guantanamo, having been provided to him by the Respondents.

This the 21st day of July, 2006.

Bry Lessley
Bryan E. Lessley
Asst. Federal Public Defender

Subscribed to and sworn before me this 21st day of July, 2006.

Kimberly R. Ellis
Notary Public of Oregon
My Commission expires: 2/2/08



(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #27

(U) ISN#: 1021

Ref: (a) Convening Order for Tribunal #27 of 9 December 2004 (U)
(b) CSRT Implementation Directive of 29 July 2004 (U)
(c) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) Unclassified Summary of Basis for Tribunal Decision (U//~~FOUO~~)
(2) Classified Summary of Basis for Tribunal Decision (S//NF)
(3) Summary of Detainee/Witness Testimony (U//~~FOUO~~)
(4) Copies of Documentary Evidence Presented (S//NF)
(5) Personal Representative's Record Review (U)

(U) This Tribunal was convened on 20 December 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

(U) The Tribunal has determined that Detainee #1021 is properly designated as an enemy combatant as defined in reference (c).

(U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, Hezb-I Islami (HIG) and the Taliban, as more fully discussed in the enclosures.

(U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


Colonel, U.S. Army
Tribunal President

~~SECRET//NOFORN//SI~~



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 8 3 9

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29 JAN 2005

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 1021

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #1021 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (JS)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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Memorandum

UNCLASSIFIED



To : Department of Defense Date 10/21/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Juno Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 1021 have been redacted by the FBI and provided to the QARDEC:

FD-302 dated 05/15/2003 (ISN [REDACTED] interview)

¹Redactions are blackened out on the QARDEC provided FBI document.

²See Executive Order 12958

1+2

UNCLASSIFIED

Exhibit

R2

~~UNCLASSIFIED~~

Memorandum from ██████████ to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/21/2004

If you need additional assistance, please contact
Asst. Gen. Counsel ██████████
██████████ or Intelligence Analyst
██████████ Intelligence Analyst ██████████
██████████

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